

14 September 2007

Dr. David Moreau, Chairman  
NC Environmental Management Commission  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Mr. Rich Gannon  
NC DENR – Division of Water Quality  
Planning Section  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Dear Dr. Moreau and Mr. Gannon,

On behalf of the 44,000 RELATORS® in the State of North Carolina, I appreciate the opportunity to comment on the proposed Jordan Water Supply Nutrient Strategy as published in Volume 21, Issue 24 of the North Carolina Register.

The REALTORS® throughout the state are committed to protecting our natural resources and are thankful of your efforts in that regard. The NC Association of REALTORS® also understands the importance of and is dedicated to promoting home ownership and protecting housing affordability. We know that these interests are not mutually exclusive.

With this in mind, we submit the following comments.

- We are very concerned that the Jordan Lake rules are based upon a model that many experts have described as flawed. Based upon the problems with the Jordan Lake Nutrient Response Model, it doesn't seem to justify the nutrient targets or the requirements forced upon landowners and local governments.
- We believe that the nutrient control requirements for new development are excessive and will substantially increase the cost of homes, particularly for low and moderate income homebuyers.
- The air emissions falling on the Jordan Reservoir and throughout its airshed are an important source of nitrogen and in the near future the nitrogen deposition will be significantly reduced due to a number of new rules now being implemented. These benefits are not adequately considered.
- There is no analysis of the cost estimate for lost development opportunity. These rules will change how land can be used, affecting its value. Some sections of the rules pertaining to agriculture and timber harvesting do allow for lost opportunity recovery, but not in the context of development. These losses include jobs and income, sales and property tax base.
- Local governments do not have the statutory authority to create offsetting programs.

- Local governments do not have statutory authority to collect fees to establish a local nutrient offsetting program.
- Local governments do not have the statutory authority to require developers to pay to “supersize” buffers, ponds or any other stormwater management device in order to reduce nitrogen coming from existing, off-site sources.
- The EMC lacks the statutory authority for an automatic fee increase for the Ecosystem Enhancement Program.

Thank you again for the opportunity to comment.

Sincerely,

Rick Zechini  
Director of Government Affairs